

# TRANSPORTATION DEPARTMENT[761]

## Adopted and Filed

Pursuant to the authority of Iowa Code sections 307.10 and 307.12, the Iowa Department of Transportation, on October 15, 2014, adopted amendments to Chapter 602, “Classes of Driver’s Licenses,” Chapter 605, “License Issuance,” Chapter 607, “Commercial Driver Licensing,” and Chapter 630, “Nonoperator’s Identification,” Iowa Administrative Code.

Notice of Intended Action for these amendments was published in the September 3, 2014, Iowa Administrative Bulletin as **ARC 1601C**.

The amendments update the Department’s rules to conform to legislative changes that increased the standard terms for an Iowa driver’s license or nonoperator’s identification card from five years to eight years; provided for a transition from five-year to eight-year licenses in which the Department issues licenses with terms of five, six, seven and eight years to equalize renewal volumes over succeeding eight-year periods; increased the age at which drivers receive two-year licenses from 70 to 72; eliminated nonexpiring nonoperator’s identification cards for persons aged 70 or over; increased the fee to upgrade a license to include a motorcycle from \$1 per year to \$2 per year; increased the fees for duplicate licenses and nonoperator’s identification cards from \$1 to \$3 respectively for involuntary (lost, stolen or destroyed) and voluntary (duplicates for reasons such as name changes, address changes, etc.) duplicates to a flat fee of \$10; waived the fee for a nonoperator’s identification card issued to a person who voluntarily surrendered the person’s license in lieu of suspension for incapability; and allowed veterans honorably discharged from the United States Armed Forces to add a veteran designation on their driver’s licenses or nonoperator’s identification cards with approval from the Iowa Department of Veterans Affairs. The amendments also add language that conforms to existing practice and statutory authority regarding the addition of symbols or statements on driver’s licenses and nonoperator’s identification cards indicating the presence of a medical condition, that the licensee is a donor under the uniform anatomical gift law, that the licensee has in effect a medical advance directive, or that the licensee is hearing impaired or deaf.

These rules do not provide for waivers. Any person who believes that the circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

These amendments are identical to those published under Notice of Intended Action.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code sections 321.189, 321.190, 321.191, 321.195 and 321.196 and 2013 Iowa Acts, chapter 104, section 2.

These amendments will become effective December 17, 2014.

The following amendments are adopted.

ITEM 1. Amend subrule 602.11(1) as follows:

**602.11(1) *Validity and issuance.***

*a.* No change.

*b.* The license is issued for either two years or five eight years.

(1) A qualified applicant who is at least 17 years, 11 months of age but not yet ~~70~~ 72 years of age shall be issued ~~a five-year~~ an eight-year license. However, the expiration date of the license issued shall not exceed the licensee’s 74th birthday.

(2) A two-year license shall be issued to a qualified applicant who is under 17 years, 11 months of age or who is ~~70~~ 72 years of age or older.

(3) No change.

ITEM 2. Amend subrule 602.12(1) as follows:

**602.12(1) *Validity and issuance.***

*a.* and *b.* No change.

*c.* The license is issued for either two years or five eight years.

(1) A qualified applicant who is at least 18 years of age but not yet ~~70~~ 72 years of age shall be issued ~~a five-year~~ an eight-year license. However, the expiration date of the license issued shall not exceed the licensee's 74th birthday.

(2) A two-year license shall be issued to a qualified applicant who is ~~70~~ 72 years of age or older.

(3) No change.

~~d. Rescinded IAB 11/8/06, effective 12/13/06.~~

ITEM 3. Amend paragraph **602.13(1)“b”** as follows:

b. The license is issued for either two years or ~~five~~ eight years.

(1) A qualified applicant who is at least 17 years, 11 months of age but not yet ~~70~~ 72 years of age shall be issued ~~a five-year~~ an eight-year license. However, the expiration date of the license issued shall not exceed the licensee's 74th birthday.

(2) A two-year license shall be issued to a qualified applicant who is under 17 years, 11 months of age or who is ~~70~~ 72 years of age or older.

(3) No change.

ITEM 4. Adopt the following new rule 761—602.14(321):

**761—602.14(321) Transition from five-year to eight-year licenses.** During the period January 1, 2014, to December 31, 2018, the department shall issue qualified applicants otherwise eligible for an eight-year license a five-year, six-year, seven-year, or eight-year license, subject to all applicable limitations for age and ability. The applicable period shall be randomly assigned to the applicant by the department's computerized issuance system based on a distribution formula intended to spread renewal volumes as equally as practical over the eight-year period beginning January 1, 2019, and ending December 31, 2026.

This rule is intended to implement Iowa Code section 321.196 and 2013 Iowa Acts, chapter 104, section 2.

ITEM 5. Adopt the following new subrule 605.2(7):

**605.2(7) Voluntary markings.** Upon the request of the licensee, the department shall indicate on the driver's license the presence of a medical condition, that the licensee is a donor under the uniform anatomical gift law, that the licensee has in effect a medical advance directive, that the licensee is hearing impaired or deaf, or that the licensee is a veteran. To be eligible for a veteran designation, the licensee must be an honorably discharged veteran of the armed forces of the United States. A licensee who requests a veteran designation shall submit Form 432035, properly completed by the licensee and a designee of the Iowa department of veterans affairs.

ITEM 6. Amend rule **761—605.2(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code ~~section~~ sections 142C.3 and 321.189, the REAL ID Act of 2005 (49 U.S.C. Section 30301 note), and 6 CFR Part 37.

ITEM 7. Amend rule 761—605.11(321) as follows:

**761—605.11(321) Duplicate license.**

**605.11(1) Lost, stolen or destroyed license.** To replace a valid license that is lost, stolen or destroyed, the licensee shall ~~submit Form 430052 and shall~~ comply with the requirements of 761—601.5(321) and pay the replacement fee. ~~The replacement fee is \$3.~~

**605.11(2) Voluntary replacement.** The department shall issue a duplicate of a valid license to an eligible licensee if the license is surrendered to the department and the ~~\$1 voluntary~~ replacement fee is paid. Voluntary replacement includes but is not limited to:

a. to i. No change.

j. Replacement to add a veteran designation to the license. To be eligible for a veteran designation, the licensee must be an honorably discharged veteran of the armed forces of the United States. A licensee who requests a veteran designation shall submit Form 432035, properly completed by the licensee and a designee of the Iowa department of veterans affairs.

**605.11(3) Fee.** The fee to replace a license is \$10. Anything in this rule, notwithstanding the fee for replacement of a license under paragraphs 605.11(2) “f” and 605.11(2) “g,” shall be as set forth in Iowa Code subsection 321.189(6).

This rule is intended to implement Iowa Code sections 321.189, 321.195 and 321.208, the REAL ID Act of 2005 (49 U.S.C. Section 30301 note), and 6 CFR Part 37.

ITEM 8. Amend rule 761—605.20(321) as follows:

**761—605.20(321) Fee adjustment for upgrading license.** The fee for upgrading a driver’s license shall be computed on a full-year basis. The fee is charged for each year or part of a year between the date of the change and the expiration date on the license.

**605.20(1)** The fee to upgrade a driver’s license from one class to another is determined by computing the difference between the current license fee and the new license fee as follows:

a. and b. No change.

c. Converting Class M to noncommercial Class C with a motorcycle endorsement—~~\$1~~ \$2 one-time fee.

**605.20(2)** The fee to add a privilege to a driver’s license is computed per year of new license validity as follows:

Noncommercial Class C (full privileges from a restricted Class C)	\$4 per year
Motorized bicycle	\$4 per year
Minor’s restricted license	\$4 per year
Minor’s school license	\$4 per year
Motorcycle instruction permit	<del>\$1</del> <u>\$2</u> per year
Motorcycle endorsement	<del>\$1</del> <u>\$2</u> per year

This rule is intended to implement Iowa Code sections 321.189 and 321.191.

ITEM 9. Amend rule 761—607.16(321) as follows:

**761—607.16(321) Commercial driver’s license (CDL).**

**607.16(1)** No change.

**607.16(2) Validity.**

a. to d. No change.

e. A commercial driver’s license valid for ~~five~~ eight years shall be issued to a qualified applicant who is at least 18 years of age but not yet ~~70~~ 72 years of age. However, the expiration date of the license issued shall not exceed the licensee’s 74th birthday.

f. A commercial driver’s license valid for two years shall be issued to a qualified applicant ~~70~~ 72 years of age or older. A two-year license may also be issued, at the discretion of the department, to an applicant whose license is restricted due to vision or other physical disabilities.

g. and h. No change.

**607.16(3)** No change.

**607.16(4) Transition from five-year to eight-year licenses.** During the period January 1, 2014, to December 31, 2018, the department shall issue qualified applicants otherwise eligible for an eight-year license a five-year, six-year, seven-year, or eight-year license, subject to all applicable limitations for age and ability. The applicable period shall be randomly assigned to the applicant by the department’s computerized issuance system based on a distribution formula intended to spread renewal volumes as equally as practical over the eight-year period beginning January 1, 2019, and ending December 31, 2026.

This rule is intended to implement Iowa Code sections 321.177, 321.182, 321.188, 321.189, and 321.196 and 2013 Iowa Acts, chapter 104, section 2.

ITEM 10. Amend rule 761—630.2(321) as follows:

**761—630.2(321) Application and issuance.**

**630.2(1) and 630.2(2)** No change.

**630.2(3)** The nonoperator's identification card shall be coded for identification only, as explained on the reverse side of the card. The county number shall indicate the county of residence. The card shall expire ~~five~~ eight years from the date of issue ~~if the applicant is under the age of 70~~. A card issued to a person who is a foreign national with temporary lawful status shall be issued only for the length of time the person is authorized to be present in the United States as verified by the department, not to exceed two years. However, if the person's lawful status as verified by the department has no expiration date, the card shall be issued for a period of no longer than one year.

**630.2(4)** Upon the request of the cardholder, the department shall indicate on the nonoperator's identification card the presence of a medical condition, that the cardholder is a donor under the uniform anatomical gift law, ~~or~~ that the cardholder has in effect a medical advance directive, that the cardholder is hearing impaired or deaf, or that the cardholder is a veteran. To be eligible for a veteran designation, the cardholder must be an honorably discharged veteran of the armed forces of the United States. A cardholder who requests a veteran designation shall submit Form 432035, properly completed by the licensee and a designee of the Iowa department of veterans affairs.

**630.2(5)** The issuance fee is ~~\$5~~ \$8. However, no issuance fee shall be charged for a person whose license has been suspended for incapability pursuant to rule 761—615.14(321), ~~or~~ who has been denied further licensing in lieu of a suspension for incapability pursuant to rule 761—615.4(321), or who voluntarily surrenders the person's license in lieu of suspension for incapability pursuant to rule 761—615.14(321).

**630.2(6) to 630.2(11)** No change.

ITEM 11. Amend rule 761—630.3(321) as follows:

**761—630.3(321) Duplicate card.**

**630.3(1) *Lost, stolen or destroyed card.*** To replace a nonoperator's identification card that is lost, stolen or destroyed, the cardholder shall ~~submit Form 430052 and shall~~ comply with the requirements of 761—601.5(321) and pay the replacement fee. The replacement fee is \$3.

**630.3(2) *Voluntary replacement.*** To voluntarily replace a nonoperator's identification card, the cardholder shall surrender to the department the card to be replaced. The reasons a card may be voluntarily replaced and any additional supporting documentation required are the same as those listed in 761—paragraphs 605.11(2) "*a*" to "*i.*" "*j.*" ~~The fee for voluntary replacement is \$1.~~

**630.3(3) *Fee.*** The fee to replace a nonoperator's identification card is the same amount as the fee required to replace a driver's license. See 761—subrule 605.11(3).

[Filed 10/15/14, effective 12/17/14]

[Published 11/12/14]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/12/14.